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August 8, 2011

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Via ECF

Honorable Kiyo A. Matsumoto
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *In re: Pamidronate Products Liability Litigation*
Case No. 1:09-md-2120-KAM-SMG (E.D.N.Y.)
Status Letter

Dear Judge Matsumoto:

Defendant APP Pharmaceuticals, LLC respectfully submits this status letter on behalf of the below-signed defendants. This letter relates to all cases filed by the firms of Osborn Law, PC and Valad & Vecchione, PLLC:

1. *Bartoli* (10-cv-1860)
2. *Berry* (11-cv-1340)
3. *Campese* (11-cv-1345)
4. *Clark* (11-cv-1346)
5. *Compton* (11-cv-1344)
6. *Cunningham (Wessel)* (10-cv-0005)
7. *Fry* (09-cv-5294)
8. *Gershonowitz* (11-cv-1339)
9. *Hawkins* (11-cv-1342)
10. *Ibarra* (10-cv-3439)
11. *Kruszka* (11-cv-1337)
12. *Lambertson* (11-cv-1338)
13. *Margulies (Chandler)* (09-cv-5295)
14. *Patterson* (09-cv-5289)
15. *Rodriguez* (11-cv-1336)
16. *Skouti (Eckblom)* (09-cv-5288)
17. *Venne* (11-cv-1343)
18. *Warchol* (11-cv-1341)

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Defendants' motions to dismiss these cases are currently pending, and on June 28, 2011, the Court granted defendants an additional 30 days to file their reply briefs. This extension was to allow plaintiffs to consider the impact on their cases of the Supreme Court's June 23, 2011 decision in *Pliva v. Mensing*.

Since then, plaintiffs' counsel have represented to defense counsel that they will be recommending that their clients dismiss all claims against defendants in MDL 2120, without prejudice. Plaintiffs' counsel are in the process of obtaining permission to dismiss these claims and have represented that they will be filing stipulations of dismissal within 60 days. Therefore they anticipate no need for further motion practice to terminate these cases.

Accordingly, defendants request that the Court stay all proceedings in the above-listed cases for 60 days. Defendants further request that the Court set a telephonic status conference on or after September 8, 2011 in the event any of the above-listed cases are not dismissed by that time.

Respectfully submitted,

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